

5. Any testimony which references or discusses confidential information identified and protected by this order shall be deemed confidential and subject to the protection of this order. Any confidential documents identified prior to, during or following a deposition which become the subject of deposition testimony or deposition exhibits shall also fall within the protection of this order.
6. Except with the consent of the opposing party or further order of this Court, materials or information designated as confidential may be disclosed only to the following:
 - a. The parties, any insurance carriers with potential duties or obligations with respect to the litigation, and/or witnesses who in the judgment of counsel need to see the information.
 - b. Counsel of record, and other persons regularly employed or associated with the law firms of counsel of record.
 - c. Expert witnesses, consultants and persons retained in connection with this litigation, to the extent such disclosure is reasonably necessary in connection with this litigation.
 - d. The Court and court personnel, provided that all pleadings or other court filings that incorporate or disclose protected information shall be labeled “confidential-subject to court order” and filed under seal and shall remain under seal until otherwise ordered.
7. Before disclosing protected materials or information to any person not a party and not employed by the Court, counsel shall obtain from such person a written acknowledgement that the person has reviewed this protective order and will agree to be bound by its terms. All such acknowledgements shall be retained by counsel.
8. The provisions of this order shall apply to all copies and reproductions of protected materials the same as if they were originals.
9. If, during a hearing or the trial of this case, confidential documents covered by this order are admitted into evidence, said documents shall retain their confidential status. The party seeking to maintain the confidential status of the documents shall bring these exhibits to the attention of court personnel who will then seal the exhibits based on this order and further order of the Court will not be required.

10. Unless otherwise agreed in writing or ordered by this Court, at the conclusion of this litigation counsel shall return to opposing counsel all protected materials and all materials containing information acquired or extracted from the protected material except counsel's work product, such as notes or summaries prepared in the course of litigation. Any information in counsel's work papers or notes shall remain confidential. Counsel are not required to return transcripts of depositions taken in this case or any exhibits thereto. Alternatively, upon agreement of counsel protected materials may be securely destroyed.
11. In the event any party seeks to challenge the application of this order to any information or materials, that party shall first notify in writing the opposing party and all parties claiming confidentiality under this order in an attempt to resolve the discovery dispute without court intervention. The writing shall identify the challenged materials and describe why the challenging party believes the materials do not deserve protection. The written communication shall provide the opposing party with a reasonable amount of time to respond to the challenge before the challenging party files a motion with this Court. Nothing herein shall prevent any party, on notice to all other parties, from applying to the Court for a modification of this order.
12. Each person to whom protected material is disclosed is subject to the provisions of this order and submits himself, herself, or itself to the jurisdiction of the Court for the enforcement of this order.
13. The terms of this order shall survive any settlement, dismissal, or other disposition of this litigation and this Court shall continue to retain jurisdiction to enforce the terms of this order to the extent authorized by law.

IT IS SO ORDERED.

DATED this 10th day of June, 2021.

A handwritten signature in black ink, appearing to read "Michael Nelson", written over a horizontal line.

Honorable Michael D. Nelson
Magistrate Judge

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